IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

Crl.MC.No. 908 of 2007()

C.R.NO. 32/03, EXCISE RANGE OFFICE, VARKARA

PETITIONER: PETITIONER/ACCUSED NO.1&2

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1. RAJESH,S/O.RAGHAVAN,MINI BHAVAN,NEDUMKAN DA DESOM,VETTOOR VILLAGE,CHIRAYINKEEZHU TALUK.

2. PRINCE, S/O.SIVADASAN,KRISHNA HOUSE, KILIMANOOR P.O,KILIMANOOR,THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE OF KERALA REPRESENTED BY EXCISE INSPECTOR,EXCISE RANGE OFFICE,VARKALA, THIRUVANANTHAPURAM DISTRICT BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 908 of 2007

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Dated this the 26th day of March, 2007

O R D E R

The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala** v. **Unni** (2007 (1) KLT 151 (SC)), this prosecution in which the only allegation is that the percentage of Ethyl Alcohol in toddy exceeds the permissible figure cannot be sustained.

2. This Crl.M.C. is, in these circumstances, allowed. All proceedings in pursuance of C.R. No. 32/2003 of the Excise Range Office, Varkala Thiruvananthapuram, against the petitioner are hereby quashed.

(R. BASANT)
Judge

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